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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEWIS, JONATHAN V

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,530	<b>Applicant(s)</b> LOCKRIGE ET AL.	
	<b>Examiner</b> JONATHAN LEWIS	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-12,14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-12,14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to applicant's amendment filed August 6, 2008. Claims 1-2, 4-8, 10-12, 14-18, and 20 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments, with regards to claims 1-6 and 11-16, filed August 6, 2008 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 7-10 and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-6, 11-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Wasilewski (US Pat. No. 5,418,782).**

Regarding claim 1 (currently amended), Aristides et al. teaches a method for providing a program guide (Abstract), the method comprising the steps of: acquiring program guide data from a content provider (col. 3, lines 20-22 discloses the acquisition from a content provider); locally storing the acquired program guide data (col. 4, lines

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29-42 discloses the local storage at the headend of the acquired program guide data); transmitting a subset of the locally stored program guide data to a remote terminal (col. 6, lines 1-9 discloses the EPG data transmitted via download to the remote terminal, the set-top box); receiving a request for an update to the subset from the remote terminal (col. 6, lines 35-39).

Aristides et al. teaches all the claim limitations as stated above, except the update request is generated due to a channel change.

However, Wasilewski teaches the update request is generated due to a channel change (col. 8, lines 60-64 discloses the updating request, the retransmission of the virtual service definition, due to a channel change).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to send an update request in response to a channel change, in order to allow system operators greater flexibility by ensuring that a user will have the most up-to-date service provided, as they may change frequently.

Aristides et al. in view of Wasilewski teaches all the claim limitations as stated above, except accessing the locally stored program guide to create the requested update; and transmitting the update to the remote terminal.

However, Aristides et al. teaches accessing the locally stored program guide to create the requested update (col. 6, lines 20-35); and transmitting the update to the remote terminal (col. 6, lines 32-35 disclose this claim limitation).

Regarding claim 2, Aristides et al. in view of Wasilewski teaches all the claim limitations as stated above, except the remote terminal is a set-top box.

However, Aristides et al. teaches the remote terminal is a set-top box (Fig. 1, 26a).

Regarding claim 4, Aristides et al. in view of Wasilewski teaches all the claim limitations as stated above, except the subset of the locally stored program guide data contains channel IDs for all the channels in the locally stored program guide and detailed program information for one of the channels in the locally stored program guide.

However, Aristides et al. teaches the subset of the locally stored program guide data contains channel IDs for all the channels in the locally stored program guide and detailed program information for one of the channels in the locally stored program guide (col. 3, lines 37-44 discloses the channels stored containing channel IDs, a particular arrangement where the channel IDs are their numbering as shown in Fig. 2, and it stores detailed information).

Regarding claim 5, Aristides et al. in view of Wasilewski teaches all the claim limitations as stated above, except the steps of: periodically acquiring updates to the program guide data from the content provider; and altering the locally stored program guide data such that the locally stored program guide conforms to the updates.

However, Aristides et al. teaches the steps of: periodically acquiring updates to the program guide data from the content provider (col. 6, lines 20-43); and altering the locally stored program guide data such that the locally stored program guide conforms to the updates (col. 6, lines 20-43).

Regarding claim 6, Aristides et al. in view of Wasilewski teaches all the claim limitations as stated above, except the step of: transmitting a new subset to the remote terminal if an update received from the content provider altered data in the locally stored program guide data that was included in the subset previously transmitted to the terminal.

However, Aristides et al. teaches the step of: transmitting a new subset to the remote terminal if an update received from the content provider altered data in the locally stored program guide data that was included in the subset previously transmitted to the terminal (col. 6, lines 20-43).

System claims 11-12 and 14-16 are rejected for the same reasons as stated above in the corresponding method claims.

**Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 66,75,385).**

Regarding claim 7 (currently amended), Aristides et al. teaches a method of providing a program guide (Abstract), the method comprising the steps of: allocating a cache memory for storage of a subset of program guide data (col. 6, lines 20-26); acquiring the subset of program guide data (col. 6, lines 20-61); storing the subset of program guide data in the cache memory (col. 6, lines 20-61); and processing the stored subset of program guide data to create a program guide (col. 6, lines 20-61; Fig. 2).

Aristedes et al. teaches all the claim limitations as stated above, except receiving a channel change request from a client; requesting a second subset of program guide data; receiving the second subset of program guide data.

However, Knowles et al. teaches receiving a channel change request from a client (col. 4, lines 51-62); requesting a second subset of program guide data (col. 1, lines 56-67); receiving the second subset of program guide data (col. 5, lines 45-60).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to receive channel change requests, as well as requesting and receiving a second set of guide data, in order to allow a user to view and schedule viewing multiple program guides from the convenience of one set top box.

Aristedes et al. in view of Knowles et al. teaches all the claim limitations as stated above, except storing the second subset of program guide data in the cache memory.

However, Wang teaches storing the second subset of program guide data in the cache memory (Abstract; col. 9, line 65 – col. 10, line 49).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to store a second set of program data in a cache memory, in order to download and store partial program guide data in advance, which allows the service provider to free bandwidth and network resources during peak viewing hours.

Regarding claim 8, Aristides et al. teaches the method of claim 7, further comprising the step of: displaying the program guide to a client (Abstract).

System claims 17-18 are rejected for the same reasons as stated above in the corresponding method claims.

**Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 66,75,385) in further view of Wasilewski (US Pat. No. 5,418,782).**

Regarding claim 9, Aristides et al. in view of Knowles et al. in further view of Wang teaches all the claim limitations as stated above, except the steps of: receiving a channel change request from a client; requesting a second subset of program guide data; receiving the second subset of program guide data; and storing the second subset of program guide data in the cache memory.

However, Wasilewski teaches the steps of: receiving a channel change request from a client (col. 8, lines 60-64); requesting a second subset of program guide data (col. 7, lines 1-22); receiving the second subset of program guide data (col. 6, lines 28-41); and storing the second subset of program guide data in the cache memory (col. 7, line 58-col. 8, line 27).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to request, receive, and store a subset of a program guide in response to a user's channel change, in order to to allow system operators greater flexibility by ensuring that a user will have the most up-to-date and accurate program guide provided, as they may change frequently.



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System claims 19 are rejected for the same reasons as stated above in the corresponding method claims.

**Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 66,75,385) in further view of Stoel et al. (US Pat. No. 5,905,942).**

Regarding claim 10, Aristides et al. in view of Knowles et al. in further view of Wang teaches all the claim limitations as stated above, except the program guide data is remotely stored in a Mini-Headend unit.

However, Stoel et al. teaches the program guide data is remotely stored in a Mini-Headend unit (Abstract discloses the mini-headend unit, which supplies data to apartments in a multiple dwelling unit; col. 2, lines 3-24 disclose the storage of the program data, the interactive menus, within the headend).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to store the program guide data remotely in a mini-headend, in order to deliver television programming, on demand movies, and interactive services to users in a multiple dwelling unit setting.

System claim 20 is rejected for the same reasons as stated above in the corresponding method claim.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ellis et al. US Pat. No. 5,760,821

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425